

# PUBLIC DEFENDER NEWS

## Mark Parker Newly Elected Commission Chair

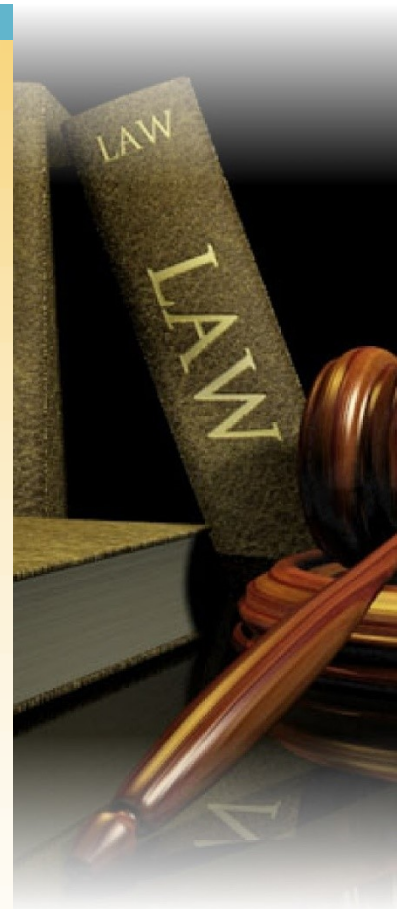
The Montana Public Defender Commission elected Mark Parker to be the next chair of the Commission at their December 16 meeting.

Chairman Parker's seat on the Commission is as an attorney nominated by the Supreme Court. He was admitted to the Bar in 1980 and has been in private practice since then. He was the president of the State Bar from 2014 to 2015.



Chairman Parker intends to advocate for a new organizational model for OPD during the upcoming legislative session. As he said in an email to all OPD employees following his election, "The current structure leaves the employees, the public, the courts and the legislature without the necessary confidence that the organization is strongly managed. The current statutory structure needs to be redone so that one person is in charge, and has the power to take charge."

Chairman Parker is open to messages from OPD staff and stakeholders. He can be reached at [markdavidparker@gmail.com](mailto:markdavidparker@gmail.com).



### Inside this issue

Legislative Preview .....	2
Contractor Corner .....	3

### Special points of interest

- Updating the OPD Brief Bank
- Live Better with the EAP

## Facelift for the Brief Bank

The OPD brief bank is getting a much-needed makeover. During the next few months, we will be consolidating our resources to make them searchable and user-friendly. To make this project manageable, we've started by focusing on developing a high-quality library of documents related to DUI cases. Many of the documents in the brief bank are old and need to be updated, so we are seeking up-to-date materials for DUI cases: motions to suppress/dismiss, jury instructions (proposed or given), checklists, CLE materials, briefs, etc.

There has also been some interest in developing additional forms for JustWare to help with the more automated parts of our practice: motions to continue, discovery requests, plea agreements, etc.

Once we have the documents, these projects will enter a prototyping phase where we will be testing the indexing of the library. If you have documents that you would like to add to either project, please forward them to Brent Getty at [bgetty@mt.gov](mailto:bgetty@mt.gov) by Friday, January 13, 2017.

Your assistance will be greatly appreciated.



## Legislative Preview

*Bill Hooks*

This newsletter provides an opportunity to review the developments of the past year, and preview the opportunities and challenges we will face in the coming year.

In September 2016, the interim Task Force on State Public Defender Operations held its fifth and final meeting. The Task Force voted to introduce several bills in the 2017 legislative session which, if passed, will have an impact on OPD operations. House Bill (HB) 57 would shift to DPHHS the duty to determine whether applicants for public defender services are financially eligible; HB 58 would authorize an assessment of OPD employees' workloads; HB 59 would revise the duty to assign counsel for putative fathers in DN cases; HB 62 would shift to the Department of Revenue the authority to collect public defender assessments; and HB 65 would ensure that the appellate defender budget is established independently of other OPD programs. HB 77 would bring about a reorganization of OPD's management structure. This bill would create an executive director position, to be hired by the Governor, and shift the Public Defender Commission to an advisory role.



An interim Commission on Sentencing considered several options for revising laws relating to sentences and correctional policies. This Commission also will introduce bills during the 2017 session that would have an impact on OPD's operations.

For information on bill drafts and the status of bills, click on the legislature's link [here](#).

The 2017 legislative session will convene on January 2. In the first few weeks we will appear before a budget subcommittee and discuss our resource needs and challenges for the next two fiscal years. Our budget proposals were adopted by the Public Defender Commission and submitted for consideration by the Governor's office in the fall of 2016. We know that the revenue coming into the state's coffers is less than the amounts projected during the last session, and we will address the importance of adequate funding to ensure the continued viability of effective legal representation for Montana's citizens.

We continue to address the challenge of reducing expenses and costs to meet a budget shortfall by the end of the current fiscal year, on June 30, 2017. A plan to mitigate costs and expenses is in effect, and on December 16 the Public Defender Commission directed that reports on the plan be submitted to the Commission by the end of the year. The Commission will meet again on January 20 to discuss any further actions needed to mitigate the shortfall.

How all of this will affect our day to day operations may become clearer as the session proceeds. Stay tuned.

*Bill*

## Contractor Corner

Wendy Johnson, Contract Manager

Happy Holidays from Central Office!

Many of you are probably sick and tired of reading memos that I have sent out related to OPD. However, I don't think there is such a thing as too much information so I thought it would be appropriate to provide a short summary related to all that is happening in the contract world.

As you all know OPD is facing an impending budget shortfall. While this is certainly not a comfortable situation for OPD to find ourselves – unfortunately, it is not an unfamiliar one. Since our inception, OPD has had funding problems, and I think that it is important to note that we are not the only agency in this position. As in years past, the Public Defender Commission has met with members of the OPD staff to put together a mitigation plan that will hopefully address the shortfall and allow us to live within our given appropriation. The details of the plan can be found [online](#), but the changes generally impact how OPD deals with contract attorneys and contract investigators and requires the hiring of additional staff. Thus far, we are unsure if the changes are going to result in the savings that was initially projected. As a result, OPD and the Public Defender Commission will be closely monitoring our financial situation in the coming weeks.

What does this mean for OPD's contractor workforce? In many areas it means that OPD is no longer contracting out misdemeanor cases and in several areas it may also mean that we are no longer contracting out District Court cases. OPD has also limited the use of contract investigators. We are also brainstorming ways by which OPD could create more cost certainty as it relates to our contractor services. Overall, these are necessary steps to demonstrate that OPD is fiscally responsible. OPD will be going to the legislature in the coming months to justify our budget and answer questions – if you have questions about that process, please let us know.

While these changes certainly have kept us busy, there are also several changes that will be taking place in the very near future that will benefit the agency and hopefully streamline processes for both internal OPD staff and the contractors who provide valuable services to our agency and the clients we serve. The online billing system that has been used by contract attorneys for the past year, will soon be rolled out to a variety of other

vendor types including contract investigators, and contract mental health providers. The pre-approval process will also be available online for FTEs and



contract attorneys – this will be a great feature because you will no longer be required to route your pre-approvals to the appropriate parties, nor will you need to choose the correct form. Please be checking your email, as that is how we will notify you of these processes being implemented.

I know that this is a difficult time for everyone that is a part of OPD. Please hang in there. There are many who need us – and just as we have in years past, we will get through this.

Again, Happy Holidays – I hope you all enjoy the upcoming days with your loved ones.





*Giuseppe decorated the tree for the Region 7 folks.*

I love this agency and what it represents. We lift hands that hang low with dignity, respect, patience and love.

I will miss you all.

— Douglas Day

## Depression is Treatable. Suicide is Preventable.

*Karen Wood, EAP Manager, State HR Division*

State Human Resources sponsored Suicide Awareness and Prevention training throughout 2016 to educate State employees regarding this critical matter and to share valuable resources to effectively address situations with others. Unfortunately, our employees and their family members continue to be impacted by suicide at an alarming rate.

Many people requested access to the **Suicide Prevention and Depression Awareness training online**. This online training is now available using the following link: <http://shrd.articulate-online.com/8432660131>.

### **What do I do if I am concerned about an employee or coworker?**

Listen carefully. People who are thinking about suicide may give hints about their intentions. Saying to co-workers that the future looks hopeless or that life is not worth living are examples of hints of possible suicidal intent. Always take these remarks seriously. Talk to the individual privately, and supportively ask what he or she meant by the statement(s). You won't make the situation worse by clarifying the meaning of the person's comments. This supportive approach can provide the employee with a sense of relief and may be the first step to help the person feel better as well as accessing professional services.

Do not ask the individual about his or her personal problems; instead, listen to what the person is saying. The person may not wish to discuss his or her personal problems. However, if the individual initiates such a discussion, be prepared to listen and be supportive.

Ask if any of the individual's concerns are work related. If the concerns are work related, make an effort to explore the concerns with the focus to resolve them if possible. This support can bring a significant relief to a stressed individual.

### **Take care of yourself**

Dealing with a suicidal person can be quite stressful. Take steps to care for yourself. Do not hesitate to obtain support for yourself through your own supervisor or the Employee Assistance Program.

If the situation is serious and you have any reason to think the person might act on a suicidal impulse:

- Don't keep the knowledge that a coworker or friend is actively suicidal to yourself! Who you ask for help depends on the situation – it could be the EAP, the person's PCP or therapist, or 911.
- Don't leave the person alone. Ensure the individual agrees to be with someone at all times until stable or under the care/supervision of someone else.

For further information, resources, or support navigating a difficult situation, please contact your Employee Assistance Program at 444-1345, or [eap@mt.gov](mailto:eap@mt.gov).

